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In speaking of the American Civil War, the author makes acknowledgment of the important contributions which that struggle made toward the establishment of a definite code of war law as follows:—"Indeed, in many respects the Secession War is the most instructive of all wars to the student of International Law. Just as this war gave modern fighting many of its distinctive features—the cavalry screen, the use of rifle pits and wire-entanglements, the employment of mounted infantry, the attack by short advances under cover—so it gave belligerents the first written code of land war. This was the very remarkable manual of *Instructions for the Government of the Armies of the United States in the Field*, which was drawn up by Professor Lieber, on Mr. Lincoln's initiative, and which is not only the first, but the best book of regulations on the subject ever issued by an individual nation on its own initiative. Its principles and its philosophy are sound, elevated, and humane. In a few special points its detailed teachings have been modified by the subsequent action of International Conferences or the influence of changing ideas on usage, but, taken as a whole, it reads like an admirable paraphrase of the existing Hague *Réglement*."

The book is of special interest to both students and teachers of International Law. Dealing with recent movements to mitigate the horrors of war by international agreements and illustrated by data of the most recent conflicts, its subject-matter is of general interest and is presented in an attractive narrative style throughout. The index is altogether inadequate.

FRANK EDWARD HORACK.

Capture in War on Land and Sea. By HANS WEHBERG, DR. JUR. Translated from *Das Beuterecht in Land und Seekriege*. With an introduction by JOHN M. ROBERTSON, M. P. (London: P. S. King & Son, 1911. Pp. xxxv, 210.)

The position of England, both in point of naval forces and merchant marine, has changed radically since the year 1785 when the United States first put forward, in its treaty with Prussia, the proposition that the law of prize at sea should be abolished. England is still the chief opponent of the American proposal, but it is clear that she cannot long hold out,—indeed it is only her adherence to traditional policy, Mr. Robertson thinks, which keeps her from seeing that her

interests, as Doctor Wehberg proves them to be, are all in favor of the proposed change in the law of war.

It is true that the motive of the United States in making the proposal has not been altogether based upon the *justice* of the abolition of the law of prize; in the first decades of its existence, and even as late as the Declaration of Paris, the United States was influenced by the fact that it had a small navy in proportion to its shipping interests. On the other hand, until the last quarter of the 19th century, the law of prize enabled England to bring her naval supremacy to bear heavily upon her enemies.

Now that the disproportion between the English fleet and those of other nations is rapidly decreasing, England is no longer in a position to inflict far greater injury upon her enemy by the law of prize than her enemy can inflict in turn. Add to this the fact that at the beginning of the 19th century England was able to live upon her own food-stuffs, whereas at the present day she could supply herself for not more than six or eight weeks before facing starvation, if her imports were cut off,—and it will be seen that England cannot safely trust to the chance of naval victory to secure her food supplies. It is true that food stuffs are only conditional contraband, and that it would be practically impossible to blockade the whole of the English coast, but these facts only affect neutrals, and England would thus be thrown back upon neutral commerce to furnish the larger part of her food supplies.

Doctor Wehberg has presented the facts of the law of prize in a clear and striking manner. His brief volume will be of especial value for the light which it throws upon the attitude of the great powers, when the subject of capture in war was presented to the first and second Hague Conferences; the policy of the great powers and the projects suggested by them form an instructive commentary on the conclusions reached by the Conference of 1907.

It is unfortunate that the translator, who in other respects has given a very readable version, was not more careful to obtain technical accuracy in the use of terms. "Manifesto" is used for "Declaration" (of Paris), p. 3; "compacts" for "convention," p. 8; "Convention" for "Declaration" (of London) p. 69, etc.

CHARLES G. FENWICK.